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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,504

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Joseph Peter Stefaniak

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EXAMINER

LEE, WILSON

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,504	<b>Applicant(s)</b> STEFANIAK, JOSEPH PETER	
	<b>Examiner</b> Wilson Lee	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/16/05</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

### **Claim Rejections – 35 U.S.C. 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butani et al. (US 2003/0172010) in view of Microsoft Computer Dictionary.

Regarding Claim 1, Butani discloses a method for use in consolidating computing devices, comprising:

storing in at least two data set files (at least temporary stored in Data Collection module and Analysis Module for analyzing) containing information indicative of the characteristics of at least a first computing device (figs. 1, 2) wherein the data sets describe the information in a language (any data types) (paragraphs 0017, 0022);

loading the at least two data sets into a first database (combining multiple sources to one) (See Figs. 1, 2) so that the at least two data sets (104 or 204, and 106 or 206) can be compared to each other ("analysis may include identifying the difference...illustrating differences between different sets of data..", paragraph 0041; "for comparing and analyzing multiple sets of data", paragraph 0023).

As discussed above, Butani essentially discloses the claimed invention but does not explicitly disclose that data or information is in a markup language. However, Butani teaches the data can be any type (paragraph 0017, 0022). Such markup language is not restricted being used in his invention. Further, Markup language or XML are

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commonly known language for creating web page to any skilled in the art. It would have been obvious to one of ordinary skill in the art to have used Butani to analyze data in Markup or XML form in order to find out the difference of two sets of Markup or XML data for an intended use.

As discussed above, Butani essentially discloses the claimed invention but does not explicitly disclose the database is a relational database. However, Microsoft Computer Dictionary teaches that relational database is used for matching data in the field, microcomputer database products are typically relational database. Since Butani's invention is to compare (match) the sets of data, it would have been obvious to one of ordinary skill in the art to have used relational database in Butani to compare the data in a record form in order to manage the data more efficiently.

Regarding Claim 2, Butani discloses that one of the at least two data sets contains information indicative of a second computing device (paragraph 0063).

Regarding Claim 3, Butani essentially discloses the claimed invention but does not explicitly disclose that the markup language comprises XML.

However, Butani teaches the data can be any type (paragraph 0017, 0022). Such markup language is not restricted being used in his invention. Further, Markup language or XML are commonly known language for creating web page to any skilled in the art. It would have been obvious to one of ordinary skill in the art to have used Butani to analyze data in Markup or XML form in order to find out the difference of two sets of Markup or XML data for an intended use.

Regarding Claim 4, Butani discloses that the information indicative of the characteristics of a computing device comprises information indicative of system parameters (“...data elements and other parameters” Paragraph 0015 and “...the parameter and data associated with the node are displayed...”, paragraph 0042).

Regarding Claim 5, Butani discloses that the system parameters comprise at least one of: the number of processors (702), available processors (702), processor level, devices (722), disk drive characteristics (720), disk drive capacity (710, 720), system name (inherent feature. All systems must have their own model name), page size, operating system version (inherent feature. All systems must have their own model name), operating system build (inherent feature. All systems must have their own system build), and network connectivity (inherent feature. All networked devices must show it connectivity to the network),

Regarding Claim 6, Butani discloses that the information indicative of the characteristics of a computing device comprises information indicative of executable process parameters (“a user may execute procedure 500 on an unchanged set of data” See paragraphs 0044, 0042).

Regarding Claim 7, Butani discloses that the executable process parameters comprise at least one of: CPU utilization (for 702), memory utilization (for 704, 706).

Regarding Claim 11, Butani discloses that the information indicative of the characteristics of a computing device comprises information indicative of computing device database definition parameters (inherent feature. All kind of data must have its own definition or file name such as Txt. Jpg. Jeg. Etc).

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Regarding Claim 12, Butani discloses that the computing device database definition parameters inherently comprise at least one of: database names (104,106) or user defined datatypes.

Regarding Claims 8-10, 13-16, Butani essentially discloses the claimed invention but does not explicitly disclose table or tables on the storage unit. However, as discussed above in the preceding rejection on claim 1, relational database is typical in microprocessor database including Butani. Relational database inherently comprises table being used for matching and comparing data in the field. It would have been obvious to one of ordinary skill in the art to have used relational database in Butani to compare the data in a record form in order to manage the data more efficiently.

Since claims 17-32 are claims 1-16 in a system manner, they are rejected for the same reasons.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Halsall (textbook) shows that XML is used to describe the contents of a web page in a structure way.

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

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Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/1/08

/Wilson Lee/  
Primary Examiner, Art Unit 2163